

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:12-CR-00188-FDW-SCR

UNITED STATES OF AMERICA)
)
 v.) **ORDER**
KEMMEY NICOLE COOKE,)
)
Defendant.)
)

THIS MATTER is before the Court on Defendant's Motion to Release Copies of her presentence investigation and report and sentencing minutes in this case. (Doc. No. 1311.) For the reasons set forth below, Defendant's Motion is GRANTED IN PART to the extent Defendant requests the Minutes of her sentencing hearing and is otherwise DENIED.

A presentence report is a sealed Court document. Local Cr. R. 32.3, 32.5. It can contain sensitive information, the disclosure of which could jeopardize an individual's safety. That is particularly true here, where Defendant was indicted as part of a multi-Defendant racketeering conspiracy. At least two of Defendant's co-defendants remain incarcerated. See 3:12-cr-00188-2; 3:12-cr-00188-13; Bureau of Prisons Inmate Locator, available at <https://www.bop.gov/inmateloc/> (last visited Oct. 23, 2024). While the Court understands Defendant's copy of her presentence report was inadvertently damaged, (Doc. No. 1311, p. 1), under these circumstances the Court declines to disseminate additional copies of sealed documents containing confidential information through the mail.

To the extent Defendant's request for the minutes of her sentencing hearing intends to request a transcript of that hearing, no transcript was ordered. Under 28 U.S.C. § 753(f), a defendant may obtain free copies of transcripts where he or she demonstrates indigence, and the

transcripts are needed to “decide the issue presented” by a suit or appeal. 28 U.S.C. § 753(f). The Court must certify the suit or appeal is not frivolous. Id. As an initial matter, Defendant does not appear to be indigent. She has also not demonstrated a need for the transcripts “to decide the issue presented” under 28 U.S.C. § 753(f). Currently, there is no issue presented. Defendant has no pending appeal or other post-conviction proceeding and is no longer in BOP custody for this offense. However, for the record, the Court will recite the Minutes of Defendant’s Sentencing Hearing as reflected on the docket as follows: “Minute Entry: SENTENCING as to Kemmey Nicole Cooke held before Chief Judge Frank D. Whitney. Factual Basis Found. Government attorney: Jill Rose & Daniel Ryan. Defendant attorney: Aaron Michel. Court Reporter: Joy Kelly.” (Minute Entry, Sept. 30, 2013.)

IT IS THEREFORE ORDERED that Defendant’s Motion to Release Copies, (Doc. No. 1311), is GRANTED IN PART and DENIED IN PART.

IT IS SO ORDERED.

Signed: October 28, 2024


Frank D. Whitney
United States District Judge